

HONORABLE JOHN C. COUGHENOUR



06-CR-00050-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN VALENCIA-LOPEZ, and
JOSE RUIZ-VELASQUEZ,

Defendants.

NO. CR06-0050 JCC

AGREED ORDER CONTINUING
TRIAL DATE AND DEADLINE FOR
FILING PRE-TRIAL MOTIONS
(Proposed)

THIS MATTER having come before the Court on the Agreed Motion To Continue Trial Date and Deadline for Filing Pre-Trial Motions, and the Court having considered the motion and the entirety of the records and files herein, the Court finds and rules as follows:

1. Based on the facts set forth in the parties stipulated motion, the Court finds that a failure to grant the continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of Title 18, United States Code, Section 3161(h)(8)(B)(ii).

2. The Court finds that this case involves two defendants who have been charged by Indictment with a large-scale narcotics conspiracy. The government alleges that the charged conspiracy began at a time unknown, but within the last five years, and continued until December 11, 2005. The Indictment charges fifteen substantive counts of distribution of narcotics.

The Court also finds that as a general matter, there is a preference in the federal system

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1 for joint trials of persons indicted together. This preference exists in this case and is
2 particularly strong because the defendants are alleged to have participated in a common plan
3 or scheme. Further, in this case, there is also substantial public interest in a joint trial.

4 The Court further finds that a joint trial in this matter will expedite the administration
5 of justice, reduce the congestion of trial dockets, conserve judicial time, lessen the burden
6 upon citizens who must sacrifice both time and money to serve upon juries, and avoid the
7 necessity of recalling witnesses who would otherwise be called upon to testify only once.

8 3. The Court further finds that the defendants are facing substantial penalties if
9 convicted given the mandatory minimum term of incarceration required because of the
10 quantities of controlled substances charged in the Indictment.

11 4. Finally, the Court finds that the ends of justice will be served by ordering a
12 continuance in this case, that the continuance is necessary to insure effective trial preparation
13 and that these factors outweigh the best interests of the public in a more speedy trial within the
14 meaning of Title 18, United States Code, Section 3161(h)(8)(A).

15 THEREFORE, THE COURT FINDS THAT:

16 1. That the period of time between October 30, 2006, and January 22, 2007, shall
17 be excluded from computation under Title 18 United States Code, Sections 3161(h)(8)(A) and
18 3161(h)(8)(B)(i) and (ii), because it is unreasonable to expect adequate preparation for pretrial
19 proceedings or for the trial itself within the time limits established by the Speedy Trial Act,
20 and because the failure to grant the continuance set forth in this Order would be likely to make
21 a continuation of this proceeding impossible, or result in a miscarriage of justice.

22 2. That the ends of justice served by this continuance outweigh the best interest of
23 the public and the defendants in a speedy trial.

24 THEREFORE, THE COURT ORDERS THAT:

25 1. The trial date shall be continued from October 30, 2006, to January 22, 2007.

26 2. The pre-trial motions deadline shall be December 15, 2006 and counsel for the
27 government shall have two weeks to respond to any pretrial motions filed by counsel.

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3. The defendants shall file with the Court no later than October 30, 2006 waivers of their rights under the Speedy Trial Act, 18 U.S.C. § 3161 et seq., for the period from October 30, 2006, through January 22, 2007.


IT IS SO ORDERED.

The clerk of the Court is instructed to send uncertified copies of this Order to all counsel of record.

DATED this 24th day of October, 2006.


UNITED STATES DISTRICT JUDGE

Presented by:


ADAM W. CORNELL
Special Assistant United States Attorney


JON ZULAUF
Counsel for Juan Valencia-Lopez


JOHN CROWLEY
Counsel for Jose Ruiz-Velasquez

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